

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF NORTH CAROLINA
DURHAM DIVISION

IN RE

) Case No. 09-80353

)

Mark Allen Wasmuth and
Meridith Phillip Wasmuth,

) Chapter 11

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)

Debtors.

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**CITIMORTGAGE, INC., RESPONSES TO INTERROGATORIES, REQUESTS FOR
ADMISSIONS AND REQUEST FOR PRODUCTION OF DOCUMENTS**

Now comes Citimortgage, Inc. (hereinafter "Movant"), upon the Court's Order entered on August 7, 2009, hereby responds in compliance with said Order and responds to said "Discovery" that was delivered to the undersigned on or about March 25, 2009.

Reservation of Rights

Citimortgage, Inc., (hereinafter "Citimortgage") does hereby give notice that it is not waiving any rights under any of the Discovery Rules of the Federal Rules of Civil Procedure or as incorporated by the Rules of Bankruptcy Procedure. Any response herein may be freely supplemented without prejudice by CitiMortgage, Inc. All other rights are hereby reserved for any future or potential contested or litigated matter between the parties.

To the extent the Discovery is directed to CITIBANK / UNION FEDERAL by the Debtor Citimortgage, Inc. herein responds upon its own information and is in no way responding on behalf of CITIBANK / UNION FEDERAL nor has it any authority to so respond. Citimortgage is responding herein as directed by the Court and will answer and respond as if Citimortgage was the named party to the Discovery instead of CITIBANK / UNION FEDERAL.

INTERROGATORIES

1. To the agent of CITIBANK / UNION FEDERAL answering these interrogatories, please state your name, occupation, and mailing address.

Response:

With the assistance of the undersigned:
Bryan J. Schrepel, Bankruptcy Specialist
Citimortgage Inc.
3950 Regent Blvd.
S2A-200
Irving, TX 75063

Bryan J. Schrepel is not an Officer or Managing Agent authorized to accept Service or Service of Process.

2. Identify the name and mailing address of CITIBANK / UNION FEDERAL and Agents loan officer responsible for handling the alleged loan from which this action allegedly emanates.

Response:

Bryan J. Schrepel, Bankruptcy Specialist

**Citimortgage Inc.
3950 Regent Blvd.
S2A-200
Irving, TX 75063**

Bryan J. Schrepel is not an Officer or Managing Agent authorized to accept Service or Service of Process.

3. Identify the name and mailing address of CITIBANK / UNION FEDERAL and Agents loan officer responsible for signing all agreements between CITIBANK / UNION FEDERAL and Mark and Meridith from which the disputed account allegedly emanates.

Response:

Citimortgage is not the original lender and did not sign the agreements originating the loan. Citimortgage objects to the question as it is unduly burdensome.

109. What is the complete name of the banking entity which employs you?

Response:

Citimortgage Inc.

110. In what jurisdiction is CITIBANK / UNION FEDERAL chartered?

Response:

Citimortgage is incorporated under the laws of the State of New York.

137. Does CITIBANK / UNION FEDERAL advertise that it loans money and/or credit?

Response:

Yes, Citimortgage advertises.

213. Did CITIBANK / UNION FEDERAL fulfill the loan agreement?

Response:

Citimortgage has fulfilled its obligations under the terms of the Note and Deed of Trust.

REQUEST FOR ADMISSIONS OF FACT

264. Does CITIBANK / UNION FEDERAL admit it sold no product and never loaned anything of any cash value to obtain the promissory note?

Response: Denied.

265. Does CITIBANK / UNION FEDERAL admit the promissory note upon which CITIBANK / UNION FEDERAL and Agents Complaint is predicated was forged and sold and recorded as a loan to Mark, and Meridith by CITIBANK / UNION FEDERAL, changing the cost and the risk?

Response: Denied.

281. Does CITIBANK / UNION FEDERAL admit that CITIBANK / UNION FEDERAL is the fiduciary of Mark, and Meridith?

Response: Denied.

291. Does CITIBANK / UNION FEDERAL admit that the name MARK ALLEN WASMUTH and MERIDITH PHILLIPPI WASMUTH as noted on the alleged Mortgage documents represents a fictitious name and fiction of law?

Response: Denied.

REQUEST FOR PRODUCTION OF DOCUMENTS

4. Produce evidence of a "Security Interest" by any entity in Mark, and Meridith's labor, compensation, and property;

Response:

Upon information and belief, Citimortgage previously submitted copies of the loan documents, including the Deed of Trust, through its response to a prior request in March 2009 which was mailed to the Debtors on or about April 22, 2009. In addition, the documents were attached to the Citimortgage proof of claim and motion for adequate protection and to modify stay filed in this

matter and served upon the Debtors.

5. Produce evidence of a "Contract" which bears Mark, and Meridith's *bona fide* signature that would create a security interest in Mark, and Meridith's labor, compensation, and property;

Response: Upon information and belief, Citimortgage previously submitted copies of the loan documents, including the Note, through its response to a prior request in March 2009 which was mailed to the Debtors on or about April 22, 2009. In addition the documents were attached to the CitiMortgage proof of claim and motion for adequate protection and to modify stay filed in this matter and served upon the Debtors.

11. Produce all documents and information, related in any way, to CITIBANK / UNION FEDERAL and Agents implication or allegation that a loan was given to Mark, and Meridith;

Response:

Upon information and belief, Citimortgage previously submitted copies of the documents and information through its response to a prior request in March 2009 which was mailed to the Debtors on or about April 22, 2009. Copies of recorded assignments, Note, collection notes, transaction code listing, copy of payment history and prior servicer history, copy of Escrow Analysis, copies of letters sent to the Debtors by Citimortgage, copies of the inspection detail, and copy of the expenses assessed to this account. In addition, some of the documents were attached to the Citimortgage proof of claim and motion for adequate protection and to modify stay filed in this matter and served upon the Debtors.

36. Produce any and all surety agreements;

Response:

Citimortgage objects to Request 36 in that it is vague, ambiguous, unduly burdensome and not likely to lead to admissible evidence. Notwithstanding the objection to Request No. 36 and without waiving said objection Citimortgage responds that it has no knowledge of any surety or insurance concerning recovery on the Debtors liability under the Note or Deed of Trust.

46. Produce evidence of a "Security Interest" in Mark, and Meridith's private property.

Response:

Citimortgage previously submitted copies of the loan documents including the Deed of Trust through its response to a prior request in March 2009 and that was mailed to the Debtors on or about April 22, 2009. In addition the documents were attached to the CitiMortgage proof of claim and motion for adequate protection and to modify stay filed in this matter and served upon the Debtors.

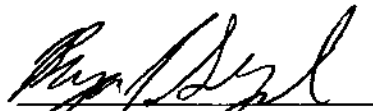
Dated: August 24, 2009

KELLAM & PETTIT, P.A.
Attorneys for Citimortgage, Inc.

By: 
Matthew T. McKee
NC Bar No.: 28675
Suite 300
2701 Coltsgate Road
Charlotte, N.C. 28211
Telephone: (704) 442-9500

My name is Bryan J. Schrepel. I am a Bankruptcy Specialist for CitiMortgage, Inc. I have read the foregoing responses to the Interrogatories and said responses are true to my own personal knowledge except those matter and things stated upon information and belief, and as to those matters and things, I am informed and believe them to be true.

This the 18th day of August, 2009.


Bryan J. Schrepel
Bankruptcy Specialist

Sworn to and subscribed before me

This 18th day of August 2009


Notary Public

My commission Expires:

10-24-11



Seal here:

UNITED STATES BANKRUPTCY COURT
Middle DISTRICT OF NORTH CAROLINA
DURHAM DIVISION

IN RE

Mark Allen Wasmuth and
Meridith Phillip Wasmuth,

Debtors.

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CERTIFICATE OF SERVICE

I, as attorney of record for Citimortgage, Inc., hereby certify that on the 24th day of August, 2009, I served a copy of the Responses to Discover by electronic notice in accordance with the local rules and by depositing the same, enclosed in a postpaid, properly addressed wrapper, in an official depository under the exclusive care and custody of the United States Postal Service, said envelope being addressed as follows:

Mark Allen Wasmuth
Meridith Phillip Wasmuth
65 David Miller Court
Chapel Hill, NC 27517


Debtors/PRO SE

Benjamin A. Kahn
Nexsen Pruet, PLLC
701 Green Valley Road, Suite 100
Post Office Box 3463
Greensboro, NC 27402

Michael D. West, Esq.
P.O. Box 1828
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Bankruptcy Administrator

KELLAM & PETTIT, P.A.
Attorneys for Citimortgage, Inc.

By: 
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2701 Coltsgate Road
Charlotte, N.C. 28211
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